

## **REMARKS/ARGUMENTS**

The rejections presented in the Office action dated December 31, 2009 (hereinafter Office Action), have been considered. Reconsideration of the pending claims and allowance of the application in view of the present response is respectfully requested.

In an effort to facilitate prosecution and without acquiescing to characterizations of the asserted art, Applicant's claimed subject matter, or to the applications of the asserted art or combinations thereof to Applicant's claimed subject matter, independent claims 12, 17, 18, 32, and 39, have been amended to characterize that the receiving device checks if all user data units defined in received binding data are available, requests any unavailable data units, and forms a binding with the further received units. Support for these changes may be found in the original specification, for example, in Fig. 4 and in paragraph [0023]; therefore, the changes do not introduce new matter. Also, independent claims 1, 9, 16, and 23, have been amended to again include limitations directed to the device that transfers the binding data checking whether the receiving device supports binding data synchronization before transmitting the binding data. These limitations were present in original claim 2 and maintained in the application in claims 46 and 47; therefore, the changes do not introduce new matter. Also, the dependent claims have been amended to provide consistent language with the amended independent claims. Each of the pending claims is believed to be patentable over the asserted references for the reasons set forth below.

None of the asserted references has been shown to teach or suggest features occurring after a second synchronization step transferring binding data, namely: checking if all user data units defined in the received binding data are available in the mobile communications device; in response to at least one user data unit defined in the received binding data not being available in the mobile communications device, requesting the at least one further user data unit; receiving the at least one further user data unit; and forming a binding between the at least one further user data unit and at least one of its functions in accordance with the binding data.

Specifically, there is no suggestion in the references towards these features on the basis of binding data received during a preceding second synchronization step. For

example, Littleton does not teach or suggest a second synchronization step, as claimed, and merely teaches at paragraphs [0030]-[0032] and at 330 of Fig. 3, using checksums during conventional data synchronization to identify modified PDA records. Littleton's step 350 simply has the server records updated to reflect the changed PDA records. There is no teaching or suggestion that received binding data is checked or of requesting records identified in the binding data that are not yet available in the device receiving the binding data. Without correspondence to each of the claimed limitations, the § 103(a) rejections would be improper. Applicant accordingly requests that each of the rejections be withdrawn.

With particular respect to independent claims 1, 9, 16, and 23, the asserted references have also not been shown to teach the added limitations. Specifically, the cited portions of Bluetooth SIG (cited in the rejection of claims 46 and 47) do not teach or suggest checking for capability to support binding data synchronization, as claimed. Rather, the cited portions of Bluetooth SIG merely relate to business card exchange by Bluetooth object push. As indicated in Table 4.1, the object push feature is mandatory in all push servers. There is no suggestion of checking if a device supports binding data synchronization and further control of sending of the binding data in accordance with such binding data capability checking, as claimed. Without correspondence to each of the claimed limitations, the § 103(a) rejections would be improper. Applicant accordingly requests that each of the rejections be withdrawn.

Dependent claims 3-7, 22, 24-26, 28, 30, 31, 33-36, 38, 40-43, and 45 depend from independent claims 1, 18, 23, 32, and 39, and each of these dependent claims also stands rejected under 35 U.S.C. § 103(a) as being unpatentable over the above-discussed teachings of Littleton, Suonpera, and Bluetooth SIG. While Applicant does not acquiesce to any particular rejections to these dependent claims, including any assertions concerning descriptive material, obvious design choice and/or what may be otherwise well-known in the art, these rejections are moot in view of the remarks made in connection with the independent claims above. These dependent claims include all of the limitations of their respective base claims and any intervening claims and recite additional features which

further distinguish these claims from the cited references. “If an independent claim is nonobvious under 35 U.S.C. §103, then any claim depending therefrom is nonobvious.” MPEP § 2143.03; *citing In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988). Therefore, dependent claims 3-7, 22, 24-26, 28, 30, 31, 33-36, 38, 40-43, and 45 are also patentable over the asserted teachings of Littleton, Suonpera, and Bluetooth SIG.

With respect to the § 103(a) rejection of dependent claims 8, 27, 37, and 44 based upon the teachings of Littleton, Suonpera, and Bluetooth SIG combined with those of U.S. Publication No. 2003/0220966 by Hepper *et al.* (hereinafter “Hepper”), Applicant traverses as the asserted references alone, or in combination, do not teach each of the now-claimed limitations. As discussed above, the modifications to Littleton fail to at least teach features occurring after a second synchronization step transferring binding data, as now claimed. As Hepper has not been shown, and does not appear, to teach at least these absent limitations, the further reliance on Hepper does not overcome the above-discussed deficiencies in the § 103(a) rejections. Therefore, the rejection would be improper, and Applicant requests that the rejection be withdrawn.

It should be noted that Applicant does not acquiesce to the Examiner’s statements or conclusions concerning what would have been obvious to one of ordinary skill in the art, obvious design choices, common knowledge at the time of Applicant’s invention, officially noticed facts, and the like. Applicant reserves the right to address in detail the Examiner’s characterizations, conclusions, and rejections in future prosecution.

In addition, new claim 48 has been added. The subject matter of this claim was already present in at least claim 30 and support for this claim may be found in the original specification, for example, at paragraph [0023]; therefore the claim does not introduce new matter. This claim is believed to be patentable over the asserted references for the reasons set forth above.

Authorization is given to charge Deposit Account No. 50-3581 (KOLS.054PA) any necessary fees for this filing. If the Examiner believes it necessary or helpful, the undersigned attorney of record invites the Examiner to contact the undersigned attorney to discuss any issues related to this case.

Respectfully submitted,

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